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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In-re application of : Confirmation No. 4966
Ghislain DUFAU et al. : Docket No. 2001_0479A
Serial No. 09/830,358 : Group Art Unit 1754
Filed April 25, 2001 : Examiner J. Pak

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LIQUID COMPOSITION WITH
FUNGICIDAL, BACTERICIDAL
OR BACTERIOSTATIC ACTIVITY

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RESPONSE

Assistant Commissioner for Patents,
Washington, D.C.

Sir:

Responsive to the Office Action of June 28, 2002, constituting a requirement for restriction between (I) claims 20-34 and 36-38, and (II) claim 35, Applicants hereby elect, with traverse, the subject matter of claims 20-34 and 36-38.

This election is made while reserving Applicants' rights under 35 U.S.C. § 121 to file a divisional application for the non-elected subject matter of claim 35.

Applicants traverse the restriction requirement based on the following considerations.

The method for preparing the claimed composition of Group (I) (which involves the introduction of micronized copper in an aqueous emulsion of terpenic derivatives) and the method for preparing the claimed composition of Group (II) (which involves the micronization of copper mixed with the other ingredients) both lead to the same result. Group (II) simply discloses an alternative embodiment of the method of preparing the claimed composition.

In this embodiment, although copper substances are micronized along with the other ingredients of the composition (namely terpenic derivatives, surfactants), only copper substances are

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micronized. Indeed, all the other ingredients are in liquid form and as a consequence cannot be micronized.

Based on these considerations, Applicants respectfully request that the restriction requirement be withdrawn.

Respectfully submitted,

Ghislain DUFAU et al.

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